

Hand-Delivered

FILED
CHARLOTTE, NC

UNITED STATES DISTRICT COURT

for the

JUN 16 2021

Western District of North Carolina

US District Court
Western District of NC

Division

Case No.

3:21-cv-287-MOC

(to be filled in by the Clerk's Office)

Jury Trial: (check one)

☐

Yes

☒

No

Tommy Edward Martin

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Secretary, Health AND Human
Services Administration

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

U.S. Court of Federal Claims
717 Madison Place NW
Washington, DC 20439

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 2

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 3

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 4

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Hep A
ON 6-28-18 Mecklenburg County Health Dept. Vaccination left shoulder Never had
ANY CHRONIC PAIN before it was a week. Call the Dr office I could't come in I said
what I am in pain. Dr office said it a short time it another week and some days now time
7/12/2018 Patel MANU. MD work with Me Left Arm has been sore and discolored. Got
Antibiotics infection where this coming from now Rotator Cuff Repair please wh?
this now mine Arm Never going to be the same. Physical Therapy help

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

PAID Medicare PAID Attorney, PAID Support Family,
PAID Self, Demographic Profile to grow more charity,
Health Community, Garden Success. Time lost on
Vacation Packages, Relief from extreme ANXIETY, sorrow
it just trouble some this NOT Affordable
All Lives Matter

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

6/16/2021
Tommy E Martin

Signature of Plaintiff

Tommy E Martin

Printed Name of Plaintiff

Tommy E Martin

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Samster Konkel Safran
Personal Injury Attorneys

Samster Konkel & Safran
11063 W. Bluemound Road, Suite 205
Wauwatosa, Wisconsin 53226

Local: 414.224.0400
Fax: 414.622.1225

May 20, 2021

Tommy Martin
5071 Clearwater Lake Road
Mount Holly, North Carolina 28120

Re: Date of Injury: June 28, 2018
Our File No.: 3704

Dear Mr. Martin:

Per our conversation today, we unfortunately will not be able to pursue your claims. Please be aware that you have three years from the date of the vaccine to file a claim. Your vaccine was on June 28, 2018, so you must file a petition by June 28, 2021. If you do not, any claims under the program will be barred by the Statute of Limitations. I would encourage you to contact another attorney if you wanted to get a second opinion. Enclosed in this letter is a list of attorneys in North Carolina that are licensed to practice before the United States Court of Federal Claims. Also enclosed in this letter is a disc containing your medical records.

Yours truly,

SAMSTER, KONKEL & SAFRAN, S.C.

Ryan J. Truesdale

Ryan J. Truesdale
rjt@grothlawfirm.com

Enclosures

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